

**2009 DRAFTING REQUEST**

**Bill**

Received: **01/28/2010**

Received By: **tdodge**

Wanted: **As time permits**

Identical to LRB: **3086/2**

For: **Kelda Helen Roys (608) 266-5340**

By/Representing: **Emily**

This file may be shown to any legislator: **NO**

Drafter: **tdodge**

May Contact:

Addl. Drafters:

Subject: **Insurance - health**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Roys@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Prohibit health insurance companies from denying coverage for individuals who suffer injuries while under the influence of alcohol or controlled substances

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**Instructions:**

Companion bill to 09-3086/2.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 01/29/2010	bkraft 01/29/2010		_____			S&L
/1			mduchek 01/29/2010	_____	sbasford 01/29/2010	cduerst 02/08/2010	

FE Sent For:

<END>

↳ At Intro.

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1/2	tdodge	1 bjk 1/29		_____	_____	_____	_____
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FE Sent For:

<END>

## **Dodge, Tamara**

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**From:** Barry, Sarah  
**Sent:** Thursday, January 28, 2010 11:44 AM  
**To:** Dodge, Tamara  
**Subject:** RE: Companion to LRB-3086

Yes, absolutely—thank you for working on this.

### **Sarah Barry**

Office of State Senator Bob Jauch

118 South, State Capitol

608-266-3510 (office)

608-216-4355 (cell)

<http://legis.wisconsin.gov/senate/sen25/news/>

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**From:** Dodge, Tamara  
**Sent:** Thursday, January 28, 2010 11:37 AM  
**To:** Barry, Sarah  
**Subject:** Companion to LRB-3086

I just spoke to Emily from Representative Roys office, and I am just confirming that it is okay with you to release the language of LRB-3086/2 for a companion bill for their office.  
Tami

### **Tamara J. Dodge**

Attorney

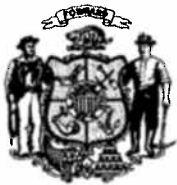
Wisconsin Legislative Reference Bureau

P.O. Box 2037

Madison, WI 53701-2037

(608) 267 - 7380

[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)



State of Wisconsin  
2009 - 2010 LEGISLATURE

FROM  
3086/2

LRB-3086/2

TJD:bjk&jld:ph

4222/1

In: 1/29/10 soon

stays

2009 SENATE BILL 483

Companion -  
no changes

SA

LPS - Please fix request sheet.

January 25, 2010 - Introduced by Senators JAUCH, SULLIVAN, CARPENTER, ERPENBACH, TAYLOR and SCHULTZ, cosponsored by Representatives PASCH, GRIGSBY, ROYS, ZEPNICK, BERCEAU, DEXTER, YOUNG and HUBLER. Referred to Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.

- 1 AN ACT <sup>regen.</sup> *to amend* 40.51 (8), 40.51 (8m), 66.0137 (4), 120.13 (2) (g), 185.981 (4t)  
2 and 185.983 (1) (intro.); and *to create* 609.72 and 632.865 of the statutes;  
3 **relating to:** prohibiting health insurance policies and self-insured health  
4 plans from excluding coverage for injuries based on the use of alcohol or  
5 controlled substances.

***Analysis by the Legislative Reference Bureau***

This bill prohibits health insurance policies and governmental self-insured health plans that cover medical expenses incurred as a result of an injury from using an insured's alcohol consumption or use of a controlled substance as a basis to deny or exclude coverage. The health insurance policy or governmental self-insured health plan may subject the coverage of these injuries to any cost-sharing provisions, limitations, or other exclusions that apply generally under the policy or plan.

The prohibition against denying coverage applies to individual and group health insurance policies, including limited service health organizations, preferred provider plans, defined network plans, and cooperative sickness care associations; to health care plans, including a self-insured plan, offered by the state to its employees; and to self-insured health plans of a city, town, village, county, or school district.

**SENATE BILL 483**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 40.51 (8) of the statutes, as affected by 2009 Wisconsin Act 28, is  
2 amended to read:

3       40.51 **(8)** Every health care coverage plan offered by the state under sub. (6)  
4 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)  
5 and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.865,  
6 632.87 (3) to (6), 632.885, 632.895 (5m) and (8) to (17), and 632.896.

7       **SECTION 2.** 40.51 (8m) of the statutes, as affected by 2009 Wisconsin Act 28, is  
8 amended to read:

9       40.51 **(8m)** Every health care coverage plan offered by the group insurance  
10 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,  
11 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.865, 632.885, and 632.895  
12 (11) to (17).

13       **SECTION 3.** 66.0137 (4) of the statutes, as affected by 2009 Wisconsin Act 28,  
14 is amended to read:

15       66.0137 **(4)** SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or  
16 a village provides health care benefits under its home rule power, or if a town  
17 provides health care benefits, to its officers and employees on a self-insured basis,  
18 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
19 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.865, 632.87  
20 (4), (5), and (6), 632.885, 632.895 (9) to (17), 632.896, and 767.513 (4).

**SENATE BILL 483**

1           **SECTION 4.** 120.13 (2) (g) of the statutes, as affected by 2009 Wisconsin Act 28,  
2 is amended to read:

3           120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
4 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),  
5 632.85, 632.853, 632.855, 632.865, 632.87 (4), (5), and (6), 632.885, 632.895 (9) to  
6 (17), 632.896, and 767.513 (4).

7           **SECTION 5.** 185.981 (4t) of the statutes, as affected by 2009 Wisconsin Act 28,  
8 is amended to read:

9           185.981 (4t) A sickness care plan operated by a cooperative association is  
10 subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,  
11 632.853, 632.855, 632.865, 632.87 (2m), (3), (4), (5), and (6), 632.885, 632.895 (10) to  
12 (17), and 632.897 (10) and chs. 149 and 155.

13           **SECTION 6.** 185.983 (1) (intro.) of the statutes, as affected by 2009 Wisconsin  
14 Act 28, is amended to read:

15           185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be  
16 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
17 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,  
18 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,  
19 632.855, 632.865, 632.87 (2m), (3), (4), (5), and (6), 632.885, 632.895 (5) and (9) to (17),  
20 632.896, and 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring  
21 association shall:

22           **SECTION 7.** 609.72 of the statutes is created to read:

23           **609.72 Exclusion for injuries based on alcohol or controlled substance**  
24 **use prohibited.** Limited service health organizations, preferred provider plans,  
25 and defined network plans are subject to s. 632.865.

**SENATE BILL 483****SECTION 8**

1           **SECTION 8.** 632.865 of the statutes is created to read:

2           **632.865   Exclusion for injuries based on alcohol or controlled**  
3 **substance use prohibited. (1)** In this section:

4           (a) “Controlled substance” has the meaning given in s. 961.01 (4).

5           (b) “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).

6           (c) “Self-insured health plan” has the meaning given in s. 632.85 (1) (c).

7           **(2)** No disability insurance policy or self-insured health plan that provides  
8 coverage for emergency or nonemergency medical, hospital, or surgical expenses  
9 incurred as a result of an injury may use as a basis for denying or excluding coverage  
10 for those expenses any alcohol consumption by the insured or use of a controlled  
11 substance by the insured.

12           **(3)** The coverage that may not be denied or excluded under sub. (2) may be  
13 subject to any cost-sharing provisions, limitations, or other exclusions that apply  
14 generally under the disability insurance policy or self-insured health plan.

15           **SECTION 9. Initial applicability.**

16           (1) This act first applies to all of the following:

17           (a) Except as provided in paragraphs (b) and (c), disability insurance policies  
18 that are issued or renewed, and governmental self-insured health plans that are  
19 established, extended, modified, or renewed, on the effective date of this paragraph.

20           (b) Disability insurance policies covering employees who are affected by a  
21 collective bargaining agreement containing provisions inconsistent with this act  
22 that are issued or renewed on the earlier of the following:

23           1. The day on which the collective bargaining agreement expires.

24           2. The day on which the collective bargaining agreement is extended, modified,  
25 or renewed.



**SENATE BILL 483**

(c) Governmental self-insured health plans covering employees who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are established, extended, modified, or renewed on the earlier of the following:

1. The day on which the collective bargaining agreement expires.
2. The day on which the collective bargaining agreement is extended, modified, or renewed.

**SECTION 10. Effective date.**

(1) This act takes effect on the first day of the 7th month beginning after publication.

**(END)**

**Barman, Mike**

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**From:** McWilliams, Emily  
**Sent:** Monday, February 08, 2010 9:26 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-4222/1 Topic: Prohibit health insurance companies from denying coverage for individuals who suffer injuries while under the influence of alcohol or controlled substances

Please Jacket LRB 09-4222/1 for the ASSEMBLY.